

Introduced by Senator Torlakson
(Coauthor: Assembly Member Levine)

February 20, 2004

An act to amend Section 53156 of the Government Code, relating to emergency response liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1698, as introduced, Torlakson. Emergency response liability.

Existing law provides that any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft, caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate response, is liable for the expense of an emergency response by a public agency to the incident.

This bill would define emergency response for the purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53156 of the Government Code is
- 2 amended to read:
- 3 53156. As used in this article:
- 4 (a) *"Emergency response" means either of the following:*

1 *(1) An enforcement stop by a law enforcement agency utilizing*
2 *emergency lights or sirens or both.*

3 *(2) A fire, medical, or law enforcement response to a vehicle*
4 *collision, medical emergency, or other incident requiring*
5 *immediate assistance.*

6 *(3) Providing traffic control on a public roadway or to ensure*
7 *safety on a navigable waterway.*

8 **(b)** “Expense of an emergency response” means reasonable
9 costs incurred by a public agency in reasonably making an
10 appropriate emergency response to the incident, but shall only
11 include those costs directly arising because of the response to the
12 particular incident. Reasonable costs shall include the costs of
13 providing police, firefighting, rescue, and emergency medical
14 services at the scene of the incident, as well as the salaries of the
15 personnel responding to the incident.

16 ~~**(b)**~~

17 **(c)** “Public agency” means the state and any city, county,
18 municipal corporation, district, or public authority located, in
19 whole or in part, within this state which provides or may provide
20 firefighting, police, ambulance, medical, or other emergency
21 services.

22 ~~**(c)**~~

23 **(d)** “Intentionally wrongful conduct” means conduct intended
24 to injure another person or property.

